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10/598,069	08/17/2006	Karl J. Wood	GB 040045	9797

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EXAMINER	
WOO, KUO-KONG	
ART UNIT	PAPER NUMBER
4133	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/598,069	WOOD, KARL J.	
	Examiner	Art Unit	
	KUO WOO	4133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the applicants' communication filed on 8/17/2006; Claims (1, 4, 6, 7,14,15,16 and 17) have been amended and entered into record on 8/17/2006. In virtue of this communication, claims 1-17 are currently presented in the instant application.

Priority

2. Receipt is acknowledged of paper submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. This application is a 371 of PCT/IB 05/506000 on 02/17/2005 and claims to foreign priority number United Kingdom 0403971.5, filed on 02/24/2004.

Drawings

3. The drawings submitted on 8/17/06. These drawings are reviewed and accepted by the examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 11-12 and 14-17 are rejected under 35 U.S.C. 102 (e) as being anticipated by Hon et al. (US Patent Number 7,158,779 B2)

As to claim 1, "A method for controlling the communication functionality of a mobile phone comprising: providing (104) configuration data" and "receiving (108) configuration data" Hon discloses (Col 2, lines 64-67, the data is rendered on a small display. One aspect of the present invention allows a user to provide speech as a form of input into the phone, thus bypassing the cumbersome task of entering equivalent text and Col. 4, lines 31-38, FIG. 3 is a plan view of an exemplary embodiment of a 2G phone 81.Phone 81 includes a display 82 and a keypad 84. Generally, phone 81 includes circuitry to make voice calls through a voice channel pictorially illustrated at 87 as well as send and receive digital data via a data channel pictorially illustrated at 85), wherein sending and receiving digital data from mobile phone to be used for phone setting;

"Controlling (110) of voice transmission functionality of the mobile phone according to the configuration data" Hon discloses (Col 3, lines 51-54, Referring now to FIG. 2, a block diagram illustrates the functional components comprising the mobile device 30. A central processing unit (CPU) 50 implements the software control functions) and (lines 64-68, Default values for configuration options and other variables are stored in a read only memory (ROM) 58. ROM 58 can also be used to store the operating system software for the device that controls the basic functionality of the

mobile 30 and other operating system kernel functions) , wherein CPU control basic function as voice transmission function and other functions according to receive data.

As to claim 2." wherein the configuration data is received via the user interface of the mobile phone" Hon discloses (Col. 4, lines 22-25, Using wireless transceiver 52 or communication interface 60, speech data is transmitted to a remote speech server 204 discussed below and illustrated in the architecture of FIG. 5), wherein the configuration data is received through communication interface.

As to claim 3," wherein the configuration data is received via a network serving the mobile phone" Hon discloses (Col 2, lines 21-25, A call is made from the 2G phone to a telephony server over the voice channel, the telephony server being remote from the 2G phone and adapted to process speech. The speech is transmitted from the 2G phone to the telephony server), wherein telephony server is network server.

As to claim 4,"wherein the availability of the voice transmission functionality is controlled by impeding access to said functionality" Hon discloses (col.8, line 67 and col. 9 lines 1-8, although a data channel for connection to a network such as the Internet is available and a separate voice channel for making calls is also available, these channels cannot be accessed simultaneously. As a result, multimodal interactions that require data and voice channels must be performed sequentially, a termed known as sequential multimodality), wherein the availability of the voice transmission functionality is operated sequentially by the function.

As to claim 5, "wherein impeding comprises prompting the use of an alternative transmission functionality" Hon discloses (col. 2, lines 1-4, The method includes

receiving a web page from a web server pursuant to an application through the data channel and rendering the web page on the 2G phone. Speech is received from the user corresponding to at least one data field on the web page. A call is established from the 2G phone to a telephony server over the voice channel), wherein web page is alternative transmission functionality herein.

As to claim 11," A system for controlling the communication functionality of a mobile phone comprising: an interface (202, 204) arranged to enable a controller to input configuration data" Hon discloses (Col. 4, lines 22-25, Using wireless transceiver 52 or communication interface 60, speech data is transmitted to a remote speech server 204 discussed below and illustrated in the architecture of FIG. 5), wherein the configuration data is received through communication interface;

"A data terminal (208) operable to receive the configuration data from the interface and to communicate the configuration data to a network" Hon discloses (Col.1 line 67 and col. 2, lines 1-4, The method includes receiving a web page from a web server pursuant to an application through the data channel and rendering the web page on the 2G phone), wherein data channel through Web server and rendering on mobile phone;

"A network (210) comprising a base station (212) operable to receive the configuration data and to communicate with a mobile phone" Hon discloses (col.7, lines 34-37, As illustrated in FIG. 5, device 30, 2G phone 81, web server 202, telephony voice browser 212 and speech server 204 are commonly connected and separately addressable through a network 205),wherein based on Fig. 5,those skilled in the art can

easily understand the base station is part of packet switched data network to communicate with 2G phone;

"A mobile phone (214) operable to communicate with the base station and to control the availability of its voice transmission functionality according to the configuration data" Hon discloses (col.7, lines 44-49, Rather, speech server 204 can be independently designed and connected to the network 205, and thereby, be updated and improved without further changes required at web server 202. In addition, the speech server 204 can service many client devices 30, phones 80 and 81 and/or web servers 202), wherein based on data configuration to control voice function.

As to claim 12," wherein the interface is a Web form running on a Web browser, the input configuration data comprises data within the Web form, and the data terminal is further operable to extract the data within the Web form and to compose a data message comprising corresponding configuration data for the network" Hon discloses (col. 2, lines 17-21, the method includes receiving a web page from a web server pursuant to an application through the data channel and rendering the web page on the 2G phone. Speech is received from the user corresponding to at least one data field on the web page), wherein data is extracted from web page for data configuration input.

As to claim 14, "A mobile phone comprising: a user interface arranged to enable a controller to input configuration data" Hon discloses (Col. 3, lines 39-41, Referring now to FIG. 1, an exemplary form of a data management device (PIM, PDA or the like) is illustrated at 30) and (lines 4-50, Alternatively, or in addition, one or more buttons 35 can be included on the device 30 for navigation. In addition, other input mechanisms

such as relatable wheels, rollers or the like can also be provided), wherein many input interface devices can be used for data input;

"a processor operable to receive the configuration data from the user interface and to control availability of voice transmission functionality of the mobile phone according to the configuration data" Hon discloses (Col. 5, lines 1-3, The invention may also be practiced in distributed computing environments where tasks are performed by remote processing devices that are linked through a communications network) and (lines 8-10,those skilled in the art can implement the description and figures as processor executable instructions, which can be written on any form of a computer readable medium),wherein input data configuration can implemented by the processor..

As to claim 15," a record carrier comprising software operable to carry out the method of claim 1" Hon discloses (col.3, line 66 and col. 4, lines 1-3, ROM 58 can also be used to store the operating system software for the device that controls the basic functionality of the mobile 30 and other operating system kernel functions (e.g., the loading of software components into RAM 54), wherein ROM can store software as record carrier to perform the functions of mobile phone.

As to claim 16, "A software utility configured for carrying out the method steps as claimed in claim 1" Hon discloses (col. 3. lines 51-54. Referring now to FIG. 2, a block diagram illustrates the functional components comprising the mobile device 30. A central processing unit (CPU) 50 implements the software control functions. CPU 50 is coupled to display 34 so that text and graphic icons generated in accordance with the

controlling software appear on the display 34), wherein software provide and receive data configuration function as claim 1.

As to claim 17, system claim 17 is drawn to the method of using the corresponding system claimed in claims 11. Therefore system claim 17 is rejected for the same reasons of obviousness as used claim 11 above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hon as applied to claim 1 above, and in view of Helferich (US Patent Number 6,462,646 B2).

As to claim 6, Hon teaches the availability of the voice transmission. Hon does not explicitly disclose "wherein impeding comprises delaying access to the voice transmission functionality".

In an analogous art, Helferich discloses (Col.13, lines 33-37, If the user chooses to delay the call at step 141 until another session or some later time the message is left flagged for retrieval at the next session or after the delay and the process ends at step 140, with the timer 28), wherein user is able to delay calls for pre-determined time period.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to be motivated to implement the mobile phone of Hon after modifying it to incorporate the programmable timer of Helferich since the timer may be programmed by the user so that messages are delivered at off-peak hours to lower cost (see abstract).

8. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hon as applied to claim 1 above, and in view of Hietalahti (US Patent Number 5,995,825).

As to claim 7,"Hon teaches "wherein the availability of the voice transmission functionality is controlled in accordance with received data configuration". Hon does not explicitly disclose "functionality is controlled in accordance with a pre-determined budget".

In an analogous art, Hietalahti discloses (col. 3, lines 50-54, this is especially so when the receiving subscriber is far away, e.g., several separate radio telephone networks away, or when the arriving call is not answered at the receiving subscriber's end. The total duration of these states may be up to several minutes), wherein call function can be determined by predetermined time duration as budget for the calling time.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to be motivated to implement the mobile phone of Hon after modifying it to incorporate the predetermined time duration as budget for the

calling time of Helferich since Helferich's intention is designed to be implemented into existing call control state machines by modifying the software in both the subscriber devices and the network (see Col. 6 lines 38-40).

As to claim 8, have limitations similar to those treated in the above rejection(s) for claim 7, and are met by the references as discussed above.

As to claim 9," Hon teaches the availability of the voice transmission functionality. Hon does not explicitly disclose" wherein the budget is based on the time duration of voice transmission from the mobile phone".

In an analogous art, Hietalahti discloses (col. 5, lines 53-61, It is not even sensible to allow the call waiting service during the mobile terminated connection setup phase, because the only thing that may unnecessarily stretch the connection setup is the case where the user does not answer the telephone. The connection termination phase naturally is short in duration, because the DISCONNECT and RELEASE messages are sent at nearly the same time that the user terminates the call, e.g., with the telephone's END CALL button), wherein the budget is based on duration of call and can be terminated by user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to be motivated to implement the mobile phone of Hon after modifying it to incorporate call duration budgets of Hietalahti since the subscriber device has a control message announcing the arrival of a new call via the control channel, which service is valid in desired phases or parts of phases of the call. (See abstract).

As to claim 10, have limitations similar to those treated in the above rejection(s) for claim 9, and are met by the references as discussed above

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hon as applied to claim11 above, and in view of Ron et al. (US patent Number 6,775,359 B1).

As to claim 13, Hon teaches" an interface is a telephone, the input configuration data". Hon does not explicitly disclose "data comprises a verbal command, and the data terminal is further operable to transcode the verbal command to a data message comprising corresponding configuration data for the network".

In an analogous art, Ron discloses (Col. 5, lines 8-12, Alternatively, when the sender selects the response message from his mailbox, the recorded reply file can be processed and converted to a textual message (e.g., by using speech-to-text conversion software), which is read by the sender. Suitable software capable of converting voice to text is well known in the art), wherein verbal command to a data text message is easily converted.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to be motivated to implement the mobile phone of Hon after modifying it to incorporate the teaching of Ron to provide an alternative method to communicate with mobile phone or the network. (See col. 5).

Conclusion

10. The prior arts are made of record and not relied upon is considered pertinent to applicant's discloses.

- US Patent Number 6,421,544 B1 to Sawada discloses a similar invention as recited in claims 1-10.
- US Patent Number 5,771,455 to Kennedy, III et al. discloses a similar invention as recited in claims 11-17.

.Any inquiry concerning this communication or earlier communications from the examiner should be directed to KUO WOO whose telephone number is (571)270-7266. The examiner can normally be reached on Monday through Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abul Azad can be reached on 571-272-7599. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KUO WOO/
Examiner, Art Unit 4133

/ABUL AZAD/
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